



PATENT  
Attorney Docket No.: NNM-001  
(7596/2)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS:** Mayes *et al.*                      **ART UNIT:** 1773  
**SERIAL NO.:** 09/308,166                      **EXAMINER:** Resan, Steven A.  
**FILED:** June 25, 1999  
**TITLE:** MAGNETIZABLE DEVICE

**TERMINAL DISCLAIMER**

I, Eric Mayes, the Chief Executive Officer of Nanomagnetics Ltd. state that I am a representative authorized to sign on behalf of Nanomagnetics Ltd. (hereinafter "Nanomagnetics") identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 09/308,166. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application, U.S. Serial No. 09/308,166, is in the name of Nanomagnetics.

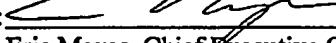
Specifically, Nanomagnetics is the owner of the entire right, title, and interest in and to the above-identified application, U.S. Serial No. 09/308,166, by virtue of at least an Assignment executed by the undersigned and Malvin Tyler, the inventors in this application, to Nanomagnetics and recorded with the U.S. Patent Office on June 25, 2000, at Reel 010990, Frame 0272.

Nanomagnetics hereby waives and disclaims the terminal part of any patent granted on the above-identified application U.S. Serial No. 09/308,166, which would extend beyond the full statutory term of U.S. Patent No. 6,713,173 issued on March 30, 2004, and hereby agrees that any patent so granted on U.S. Serial No. 09/308,166 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,713,173. This agreement shall run with any patent granted on the U.S. Serial No. 09/308,166 and to be binding upon Nanomagnetics, its successors, or assigns.

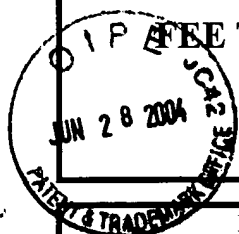
Nanomagnetics does not disclaim any terminal part of the term of patent granted on the above-identified application, U.S. Serial No. 09/308,166, prior to the expiration date of the full statutory term of U.S. Patent No. 6,713,173, in the event that said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NANOMAGNETICS LTD.

By:   
Eric Mayes, Chief Executive Officer

Date: June 25, 2004



**FEE TRANSMITTAL**  
FY 2004

Complete if Known

Application Serial Number	09/308,166
Filing Date	June 25, 1999
First Named Inventor	Eric L. Mayes
Group Art Unit	1773
Examiner Name	Resan, Steven A.
Attorney Docket No.	NNM-001

**METHOD OF PAYMENT**

1. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

**FEE CALCULATION**

**1. FILING FEE**

**Large Entity**

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
--	--------------	--------------	------	--------

Total Claims 20 - 20 = 0 x \$ 18.00 =

Independent Claims 3 - 3 = 0 x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL: .00  
SMALL ENTITY DISCOUNT: .00  
SUBTOTAL (1) (\$) .00

**2. AMENDMENT CLAIM FEES**

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	-	=	x \$ 18.00 =	
Indep.	-	=	x \$ 86.00 =	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$290.00 =	

TOTAL: (\$0.00)  
SMALL ENTITY DISCOUNT: (\$0.00)  
SUBTOTAL (2) (\$0.00)

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	55.00
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 0.00

SUBTOTAL (1) .00  
SUBTOTAL (2) 55.00  
SUBTOTAL (3) 0.00

TOTAL (\$) 55.00

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:  
Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Respectfully submitted,  
  
Mark L. Beloborodov  
Attorney for the Applicants  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110

Date: June 25, 2004  
Reg. No.: 50,773  
Tel. No.: (617) 248-7453  
Fax No.: (617) 248-7100